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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 12-7081-GHK (AJWx)

Date June 13, 2013

Title *Super-Krete International, Inc. v. Superceet.com, et al.*

Presiding: The Honorable

GEORGE H. KING, CHIEF U.S. DISTRICT JUDGE

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order Dismissing Certain Defendants; Order to Show Cause

On May 22, 2013, we directed Plaintiff Super-Krete International, Inc. ("Plaintiff") to request default against Defendant Jerry Lee or show cause, in writing, why Lee should not be dismissed for Plaintiff's failure to diligently prosecute and comply with our Orders. We warned Plaintiff that its failure to do so would be deemed Plaintiff's abandonment of this action as to Lee, and in that event, this action would be dismissed as to Lee, without prejudice. The deadline has passed, and Plaintiff has failed to request entry of default against Lee or show cause. Accordingly, Lee is **DISMISSED** without prejudice for Plaintiff's failure to diligently prosecute and comply with our Orders.

On May 22, 2013, we also ordered Plaintiff to file proof of proper service on the Unserved Defendants¹ or show cause why proper service was not effected. We warned Plaintiff that its failure to do so would be deemed Plaintiff's abandonment of this action as to the Unserved Defendants and the case would be dismissed as to them, without prejudice. The deadline has passed, and Plaintiff has failed to file proof of proper service on any of the Unserved Defendants or show cause. Accordingly, the Unserved Defendants are **DISMISSED** without prejudice for failure to diligently prosecute and comply with our Orders.

Three defendants remain in this action: Jason Ferrazzi; Supercrete Designs, LLC; and Josh Dickman (collectively, "Remaining Defendants"). Default has been entered against all of them. Accordingly, Plaintiff is **DIRECTED, within twenty-one (21) days hereof**, to file a duly noticed and properly supported application for default judgment against the Remaining Defendants or show cause, in writing, by that same date, why the Remaining Defendants should not be dismissed for Plaintiff's failure to diligently prosecute and comply with our Orders. Failure to timely and properly apply for default judgment or show cause as required herein shall be deemed Plaintiff's abandonment of this action as to the Remaining Defendants.

¹The Unserved Defendants are: (1) superceet.com; (2) supercrete.org; (3) supercrete.com.au; (4) Value-Domain, Inc.; (5) Cavan Forde; (6) John Haberla; and (7) Balmain Loan Lease and Investment Co. PTY Ltd.

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In that event, this action will be dismissed as to the Remaining Defendants, without prejudice, for Plaintiff's failure to prosecute and failure to comply with our Orders.

IT IS SO ORDERED.

Initials of Deputy Clerk

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